

CHILD CARE LICENSING ADVISORY COMMITTEE MINUTES

8 January 2009

Cannon Health Building 228 North 14 60 West Room 114

Salt Lake City, Utah

Members Present: Dale Smith, David Rothschild, Diane Wilkinson, Michael Libeck, Carol Thompson

Members Absent: George Garff, Susan Williams-Ashby, Christiana Peterson, Wendy Hobson-Rohrer, Carol Ann Holcombe and Jodie Jensen

Bureau Staff Present: Teresa Whiting, Jessica Strout, Donna Thomas, Lynda Worthington, Joyce Hastings, Karrie Phillips, Joan Isom, Sherri Lizotte, Colleen Murphy, Sheila Oelerich, Sarah Atherton

REVIEW AND APPROVAL OF MINUTES

As there was not a quorum of committee members present at the meeting, there was no review of minutes.

Mr. Smith announced that Dr. Joni Hemond will be joining the Advisory Committee when she returns from maternity leave.

OLD BUSINESS

1. Update on proposed revisions to Background Screening Rules (R430-6)

Ms. Whiting reported these rules have been filed and are now open for public comment. Ms. Whiting reviewed the changes made since public comments were received. Ms. Whiting stated that if no public comments are made that would result in more changes, these rules should go into effect sometime in February.

2. Updates to Rule Interpretation Manuals

Center Manual

Colleen Murphy, Lead Center Licensing Specialist, reported the following update:

- 100-6(8): It was added to the enforcement section that pre-school and school-age children can, under adult supervision, use gardening tools.

Home Manual

Sheila Oelerich, Lead Home Licensing Specialist, reported the following updates:

- 90-6(3): It was added to the enforcement section that when determining fence

requirements, the distance from a “road” also means the distance from a “railroad.”

- 90-6(15): It was added to the enforcement section that ASTM standards apply to manufactured wood fibers and to poured rubber tiles used for outdoor cushioning.

3. Update to Center Rules

Ms. Whiting reported that comments to R430-100-24(22) were not discussed at the last meeting. The comments received are as follows:

The rule presently is as follows: “To stimulate healthy development, there shall be safe toys accessible to infants and toddlers. There shall be enough toys for each child in the group to be engaged in play with toys.” There was a request made to change this to: “There shall be enough toys to avoid aimless wandering and undue competition for toys” and that “all toys shall be safe and accessible.”

Ms. Whiting stated that we could not use the language "avoid aimless wandering" or "undue competition for toys" because these are subjective terms. But we could specify a number of toys per child. After discussion, the committee members agreed the rule was fine as written and no attempt should be made to have the rule quantify the number of toys in rooms for infants and toddlers.

Ms. Hastings made the suggestion to add to the interpretation manual that there also needs to be enough toys available to children while some toys are being cleaned and sanitized.

4. Draft of out of School Time Rules

Ms. Whiting explained that these rules are for programs that only care for school-aged children. These rules have been requested because a lot of the current center rules do not apply to these programs. The Bureau waited for clarification from the legislators as to what programs can be license exempt before completing these rules.

Following are comments from the committee members and the public:

- Mr. Rothschild: The title of the rules should include the word “center”, possibly “Out of School Time Center” rules.
- Mr. Rothschild: 3(4) - The ages should be 5 through 12 and older.
- Mr. Rothschild: 4(8) - Safety glass is required 36 inches from floor “or ground”.
- Mr. Rothschild: 6(7) - There needs to be a grammatical change for the word “harmful”
- Mr. Rothschild: 6(9) - Outside drinking fountains are not practical.

There was some discussion about outside drinking fountains. Ms. Whiting explained the reason for the rule is that when children are thirsty they are already partially dehydrated and we are trying to prevent heat stroke. Ms. Thompson suggested that it be added to the rule that children be offered water at specific intervals. Mr. Smith suggested that school-age children be allowed to go inside for drinks if there are written policies and procedures for their safety.

- Mr. Rothschild: 6(10) - There should be different use zones depending on the height of the equipment. Ms. Whiting explained that the Bureau softened the CPSC standard of

requiring a 6 foot fall zone for all equipment by only requiring a 6 foot fall zone for equipment higher than 20 inches.

- Mr. Rothschild: 7(6) - There should be a requirement for only 1 staff with English literacy skills. Ms. Whiting explained the need for two is in the event of an emergency; one staff could deal with the emergency while the other staff could deal with the other children.
- Mr. Rothschild: 12(7)(a) - There should be a minimal height - 6 inches - for when equipment needs cushioning and a use zone.
- Ms. Whiting explained that these rules will be for programs operating for four or more weeks out of the year. This will include most summer programs which presently have center licenses but not scout camps that are for less than 4 weeks. The suggestions was made to add how many days per week to rule 3(2) of when a license is required.
- Ms. Knueman (Office of Child Care): 8(12)(a) - School-aged children don't need adult supervision when using the bathroom. Ms. Whiting explained this rule only requires policies for supervision when children use the bathroom.
- Ms. Knueman: 10(4) - It may be difficult to make first aid kits accessible to staff and inaccessible to children as some school-aged children are as tall as some adults.
- Ms. Knueman: 12(3) - Unstable heavy equipment, furniture, or other items may need a different interpretation for school-aged children.
- Ms. Knueman: 12(4)(h) - School-aged children should be able to use adult scissors and compasses.
- Ms. Knueman: 15(2) - Add a requirement for a snack after school.
- Ms. Knueman: 15(3) - Take out the words "sanitary high chair tray".
- Ms. Knueman: 15(4) - Children's allergies and food sensitivities should be carried with staff.
- Ms. Knueman: 16(1) - It's hard to enforce children's hand washing after eating meals and snacks and after coming in from out of doors.
- Ms. Knueman: 16(5) - A hand washing sign posted in each bathroom and not by each sink should be enough.
- Ms. Knueman: 21(1)(b) and 21(3)(c)- There should be provisions so children can use public transportation.
- Ms. Knueman: 22(5) School-aged children should be allowed to assist in the cleaning of animals and their equipment if there is adult supervision.
- Mr. Libeck: 12(4)(a) - Firearms, weapons, and ammunition should not be present at any facility, even if it is in a locked cabinet or area. Ms. Whiting explained that the Bureau cannot write rules that are stricter than law.
- Ms. Rasmussen (Office of Child Care): If the word "center" is added to the title of the rules, a definition of "center" should be included in the list of definitions.
- Ms. Jones (Children's Center): A lot of people will be very happy to have these rules.

NEW BUSINESS

1. Possible Bureau Budget Cuts

Legislators asked if the Bureau could be self-sufficient and operate with only provider fees. Licensing fees are just over 3% of the Bureau's budget. To be self-sufficient, the Bureau would

need to raise fees by 15 times. That would mean the average fee for center licenses would go from an average of \$209 to an average of \$3,166. The fee for home licenses would go from \$25 to \$379. Such increases are not supported by the Department of Health because of the hardship this would be for providers, who are all small businesses.

In the absence of a quorum, Mr. Smith called for a straw vote of committee members. All members voted against increasing licensing fees.

To make inspections more time-efficient, Ms. Whiting asked for comments about having providers do self-assessments of their files and have licensors assess only a percentage of required paperwork. Mr. Smith asked if licensors find a lot of missing paperwork. Ms. Whiting answered that they do and the hope is that providers will self-correct after completing their assessments. There were no objections to provider self-assessments of files.

PUBLIC COMMENTS

Ms. Rasmussen explained an unintended consequence of a reduction of funds for Licensing. It also reduces their federal draw down, which is 2.5 times the state dollars.

Mr. Smith reminded committee members that they can write to legislators and let them know how they feel.

Ms. Silver (Community Action) reminded everyone that a 15% decrease across the board for all state agencies is not very effective and a “one size fits all” doesn’t work. She said the loss of federal money would be more destructive than any benefits from saving state money.

Mr. Anderson (UPCCA) feels that using the state's Rainy Day Fund would be much smarter than taking away money that has a 250% federal return.

Ms. Silver let everyone know the Legislative Appropriations Committee is meeting on January 12th and on January 21st and urged everyone to contact their Legislators by going to the web page le.utah.gov.